

Message Text

SECRET

PAGE 01 VIENTI 01938 01 OF 05 161219 Z

12

ACTION SS-25

INFO OCT-01 ADP-00 SSO-00 CCO-00 NSCE-00 /026 W

----- 071729

O 160938 Z MAR 73

FM AMEMBASSY VIENTIANE

TO SECSTATE WASHDC IMMEDIATE 3068

S E C R E T SECTION 1 OF 5 VIENTIANE 01938

EXDIS

E. O. 11652: GDS

TAGS: PACE OF LAO NEGOTIATIONS: EMBASSY PROVIDES

DRAFT MILITARY PROTOCOL TO RLG NEGOTIATOR

1. IN LINE WITH PHENG PHONGSAVAN' S SUGGESTION THAT THE EMBASSY PROVIDE HIM WITH OUR THOUGHTS OF WHAT SHOULD BE COVERED IN THE MILITARY PROTOCOL (VIENTIANE 1780) , WE DREW UP A MILITARY PROTOCOL COVERING THE FOUR SECTIONS REQUESTED BY PHENG. THE THOUGHTS AND LANGUAGE IN OUR DRAFT PROTOCOL ARE STRIKTLY THOSE OF MEMBERS OF THIS EMBASSY, SINCE WE DID NOT HAVE SUFFICIENT TIME EITHER TO SOLICIT WASHINGTON' S VIEWS OR TO AWAIT THE ARRIVAL OF THE OFFICER FROM THE DEPARTMENT' S BUREAU OF LEGAL AFFAIRS, TOM JOHNSON. PHENG ASKED ON MARCH 12 THAT THE PAPER BE GIVEN TO HIM WITHIN 48 HOURS, AND WE HAD TO MEET THAT DEADLINE.

2. AS A RESULT OF OUR GIVING PHENG THE DETAILED DOCUMENT SET FORTH BELOW, THE RLG APPARENTLY AGREED ON MARCH 15 TO SUBMIT A DRAFT PROTOCOL ON MILITARY ISSUES TO THE LPF ON MONDAY, MARCH 19. WE UNDERSTAND THAT THE LPF WILL TABLE ITS OWN DRAFT ON THE SAME DAY. WE ALSO UNDERSTAND FROM PHENG THAT BETWEEN NOW AND MONDAY, RLG AND LPF EXPERTS ARE EXCHANGING VIEWS ON WAHT AND HOW TO COVER IN THE MILITARY ISSUED IN THE PROTOCOL.

3. PHENG EXPRESSED TO DCM GRATITUDE FOR THE EMBASSY' S WORK. HE SAID HE DISCUSSED EMBASSY' S PAPER WITH THE
SECRET

SECRET

PAGE 02 VIENTI 01938 01 OF 05 161219 Z

PRIME MINISTER ON MARCH 15 WHO GAVE THE GREEN LIGHT FOR RLG EXPERTS TO LOOK OVER THE EMBASSY DRAFT AND "LAOCIZE" IT BEFORE TABLING IT ON MONDAY. PHENG THOUGHT THAT MANY PORTIONS OF THE DETAILED EMBASSY DRAFT WOULD PROBABLY BE RETAINED IN THE RLG DOCUMENT.

4. DCM MENTIONED TO PHENG THAT WASHINGTON LAWYER HAD ARRIVED LATE MARCH 15 AND THAT HE WAS AVAILABLE TO HELP IN ELABORATING A COHERENT MILITARY PROTOCOL. PHENG TOOK NOTE OF LAWYER'S PRESENCE IN VIENTIANE AND WE SHALL FOLLOW UP WITH PHENG AS MILITARY PROTOCOL IS DISCUSSED BETWEEN RLG AND LPF.

5. BY THE EMBASSY'S TIMELY RESPONSE TO PHENG'S REQUEST FOR ASSISTANCE IN DRAFTING THE MILITARY PROTOCOL, WE UNDOUBTEDLY CONTRIBUTED SIGNIFICANTLY TO BREAKING THE IMPASSE WHICH HAD DEVELOPED IN IMPLEMENTING THE FEBRUARY VIENTIANE AGREEMENT. IT NOW WOULD APPEAR THAT THE RLG AND THE LPF WILL DISCUSS EARLY NEXT WEEK THE POLITICAL AND MILITARY PROTOCOLS SPELLING OUT DETAILS FOR IMPLEMENTING THE FEBRUARY VIENTIANE ACCORD. THERE ARE ALSO INDICATIONS THAT BOTH THE RLG AND LPF ARE WORKING ON THE ASSUMPTION THAT THE COALITION GOVERNMENT WILL BE FORMED BY MARCH 23 AS FORESEEN IN THE VIENTIANE AGREEMENT. HENCE, AFTER A TWO-WEEK PERIOD IN WHICH POLITICAL NEGOTIATIONS WERE IN LIMBO, PROSPECTS FOR MEETING THE DEADLINES ESTABLISHED IN VIENTIANE AGREEMENT HAVE CONSIDERABLY IMPROVED. THE ARRIVAL OF PHOUMI VONGVICHIT OR AN EQUALLY HIGH-RANKING LPF LEADER SHOULD ACCELERATE THIS TREND.

6. SET FORTH BELOW IS THE ENGLISH TEXT OF THE PAPER THE EMBASSY DRAFTED FOR PHENG PHONGSAVAN. THE FRENCH TRANSLATION OF THIS DOCUMENT WAS GIVEN TO PHENG FROM WHICH THE RLG MILITARY EXPERTS ARE PRESENTLY WORKING IN DRAWING UP THE RLG DOCUMENT. TEXT OF OUR PAPER FOLLOWS:

PREAMBLE

SECRET

SECRET

PAGE 03 VIENTI 01938 01 OF 05 161219 Z

THE PARTIES HAVE AGREED ON PRECISE AND DETAILED INSTRUCTIONS FOR THE IMPLEMENTATION OF THE AGREEMENT TO RESOTRE PEACE AND NATIONAL RECONCILIATION TO LAOS, SIGNED IN VIENTIANE ON FEBRUARY 21, 1973, HEREINAFTER REFERRED TO AS THE " AGREEMENT". THIS PROTOCOL SERVES THAT PURPOSE.

NOTHING IN THIS PROTOCOL SAHLL BE CONSTRUED TO ALTER THE TERMS OF REFERENCE OF THE INTERNATIONAL CONTROL COMMISSION FOR LAOS SPECIFIED IN THE PROTOCOL TO THE 1962 AGREEMENT ON LAOS. THE PRUPOSE OF THE PRESENT DOCUMENT IS NOT TO WEAKEN OR HAMPER THE COMMISSION' S ABILITY TO FULFILL ITS RESPONSIBILITIES UNDER THE 1962 PROTOCOL.

THIS PROTOCOL IS IN FOUR SECTIONS, BASED ON ARTICLES OF THE AGREEMENT, AS FOLLOWS:

SECTION ONE: CEASEFIRE IMPLEMENTATION (ARTICLES 2 AND 3).

SECTION TWO: FOREIGN TROOP WITHDRAWAL (ARTICLE 4).

SECTION THREE: EXCHANGE OF PRISONERS AND SEARCH FOR MISSING DURING THE WAR (ARTICLE 5).

SECTION FOUR: THE JOINT COMMISSION TO IMPLEMENT THE AGREEMENT AND THE INTERNATIONAL CONTROL COMMISSION ARTICLES 11 AND 12).

THIS PROTOCOL SHALL COME INTO FORCE ON DATE OF SIGNATURE BY THE PARTIES CONCERNED.

SECRET

ADP000
SECRET

PAGE 01 VIENTI 01938 02 OF 05 161407 Z

43
ACTION SS-25

INFO OCT-01 ADP-00 CCO-00 SSO-00 NSCE-00 /026 W
----- 072584
O 160938 Z MAR 73
FM AMEMBASSY VIENTIANE
TO SECSTATE WASHDC IMMEDIATE 3069

S E C R E T SECTION 2 OF 5 VIENTIANE 1938

EXDIS

SECTION ONE

CEASEFIRE IMPLEMENTATION

I. THE TWO PARTIES WILL INDIVIDUALLY, IMMEDIATELY AND SIMULTANEOUSLY ORDER THEIR RESPECTIVE FORCES AND ALL FORCES ASSOCIATED WITH THEM TO CEASE FIRING. EACH ORDER WILL BE SIGNED BY THE COMMANDER- IN- CHIEF AND PROMULGATED PUBLICLY AND THROUGH COMMAND CHANNELS TO ALL SUBORDINATE COMMANDS. THE ORDER WILL COMPRISE THE FOLLOWING:

A. ALL FORCES MUST REMAIN IN PLACE PENDING DETERMINATION OF TEMPORARY ZONES OF CONTROL BY THE JOINT COMMISSION TO IMPLEMENT THE AGREEMENT (JCIA), WITH THE ASSISTANCE OF THE ICC.

B. THE FOLLOWING ACTS OF ARMED FORCE ARE PROHIBITED:

(1) ARMED PATROLS AND ARMED OPERATIONS OF ANY NATURE IN AREAS TEMPORARILY CONTROLLED BY OPPOSING FORCES.

(2) ALL FLIGHTS BY BOMBER AND FIGHTER AIRCRAFT, EXCEPT FOR UNARMED TRAINING, MAINTENANCE AND OTHER UNHOSITL PURPOSES.

(3) ARMED ATTACKS AGAINST ANY PERSON, EITHER MILITARY OR CIVILIAN, BY ANY MEANS
SECRET

SECRET

PAGE 02 VIENTI 01938 02 OF 05 161407 Z

WHATSOEVER, INCLUDING USE OF SMALL ARMS, MORTARS, ARTILLERY, AND ANY OTHER TYPE OF WEAPON OR EXPLOSIVE DEVICE. EMPLACEMENT OF MINES AND AERIAL BOMBARDMENT ARE STRICTLY PROBHITIED.

(4) ALL COMBAT OPERATIONS ON THE GROUND, ON RIVERS, AND IN THE AIR.

(5) ALL HOSTILE ACTS, TERRORISM OR REPRISALS AGAINST ENCLAVES OF TROOPS OR POPULATION PROCLAIMING ALLEGIANCE TO ONE SIDE AND LOCATED IN THE ZONE OF THE OTHER.

(6) ALL AND ANY POLITICAL OR PROPAGANDA ACTIONS ACCOMPANIED BY THE USE OF ARMED FORCE

OR INTIMIDATION.

(7) THE USE OF MILITARY FORCES TO SECURE CONTROL OF AREAS NOT WITHIN THE ZONES OF TEMPORARY CONTROL OF THE PARTIES AS OF 1200 HOURS VIENTIANE TIME, FEBRUARY 22, 1973.

II. THE ABOVE - MENTIONED PROHIBITIONS SHALL NOT HAMPER OR RESTRICT THE FOLLOWING:

A. CIVILIAN RESUPPLY, FREEDOM OF MOVEMENT, FREEDOM TO WORK AND ENGAGE IN TRADE, AND CIVILIAN TRANSPORTATION AND COMMUNICATION.

B. THE USE BY EACH PARTY IN THE ZONE UNDER ITS TEMPORARY CONTROL OF MILITARY UNITS AND EQUIPMENT TO REPAIR AND RECONSTRUCT PUBLIC FACILITIES AND TO RESUPPLY THE POPULATION.

C. NORMAL MILITARY TRAINING.

D. POLITICAL ACTIVITY PERMITTED UNDER ARTICLE ONE OF THE AGREEMENT.

II. THE JCIA SHALL, WITH THE ASSISTANCE OF THE ICC, IMMEDIATELY AGREE ON CORRIDORS, ROUTES AND OTHER REGULATIONS
SECRET

SECRET

PAGE 03 VIENTI 01938 02 OF 05 161407 Z

GOVERNING THE MOVEMENT OF BOTH CIVILIAN AND MILITARY AIRCRAFT AND VEHICLES OF ALL TYPES OF ONE PARTY GOING THROUGH OR OVER THE ZONE TEMPORARILY UNDER THE CONTROL OF THE OTHER. THE PURPOSE OF THESE MOVEMENTS IS TO RESUPPLY FOODSTUFFS AND OTHER NECESSITIES TO PERSONS OF ONE SIDE LIVING IN THE ZONE TEMPORARILY UNDER THE CONTROL OF THE OTHER SIDE.

IV. IN ORDER TO AVERT CONFLICT AND NORMALIZE RELATIONS BETWEEN ARMED FORCES OF THE TWO PARTIES IN DIRECT CONTACT, COMMANDERS OF THESE ARMED FORCES SHALL IMMEDIATELY TO REACH AGREEMENT ON TEMPORARY MEASURES TO AVERT CONFLICT AND TO ENSURE MEDICAL CARE AND RESUPPLY FOR THESE ARMED FORCES. THIS INITIATIVE MUST BE MADE WHILE AWAITING PROMULGATION OF OTHER REGULATIONS BY THE JCIA.

V. THE JCIA, OR ITS SUBCOMMISSION, WILL IMMEDIATELY DISCUSS THE QUESTION OF REMOVING AND / OR DEACTIVATING ALL MINEFIELDS, TRAPS, OBSTACLES, UNEXPLODED BOMBS AND OTHER DANGEROUS OBJECTS EMPLACED DURING THE WAR.

THE JCIA, WORKING WITH THE ICC, WILL BE PERMITTED TO CALL UPON ALL AVAILABLE TECHNICAL EXPERTISE IN THIS HUMANITARIAN TASKS.

VI. CIVILIAN POLICE OF THE PARTIES SHALL ALSO RESPECT THE PROVISIONS SET FORTH IN THIS PROTOCOL.

VII. IN REGARD TO ARTICLE 3(D), THE DEFINITIONS AND PROCEDURES TO BE FOLLOWED GENERALLY WILL BE THOSE FOUND IN THE PROTOCOL TO THE 1962 GENEVA AGREEMENTS. THE ENTRY OF MATERIAL PURSUANT TO ARTICLE 3(D) WILL TAKE PLACE UNDER THE SUPERVISION AND CONTROL OF THE JOINT COMMISSION TO IMPLEMENT THE AGREEMENT AND OF THE INTERNATIONAL CONTROL COMMISSION, THROUGH SUCH POINTS OF ENTRY INTO LAOS AS ARE DESIGNATED BY THE LAO PARTIES THEMSELVES. THE LAO PARTIES SHALL AGREE ON THESE POINTS OF ENTRY WITHIN FIFTEEN DAYS OF THE ENTRY INTO FORCE OF THIS PROTOCOL. EACH PARTY WILL HAVE AN EQUAL NUMBER OF SUCH ENTRY POINTS, WHICH ARE TO BE SELECTED FROM THE LIST OF THOSE PLACES WHERE THE JOINT COMMISSION TO IMPLEMENT THE AGREEMENT AND THE INTERNATIONAL CONTROL COMMISSION MAY

SECRET

SECRET

PAGE 04 VIENTI 01938 02 OF 05 161407 Z

EMPLACE FIXED OR SEND MOBILE TEAMS.

VIII. MEETING WITHIN THE JCIA, BOTH PARTIES SHALL EXCHANGE LISTS AND MAPS OF THE POSITIONS OCCUPIED AND ORDER OF BATTLE OF THEIR RESPECTIVE FORCES OF LAO NATIONALITY AS OF 1200 HOURS FEBRUARY 22, 1973. THESE LISTS AND MAPS SHALL BE EXCHANGED WITHIN FIFTEEN DAYS OF ENTRY INTO FUNCTION OF THE JCIA, THE LISTS WILL SERVE AS THE BASIS FOR DETERMINATION OF THE BOUNDARY AREAS BETWEEN THE ZONES OF THE TWO PARTIES, FOR DEFINITION OF RESUPPLY CORRIDORS, AND FOR THE IMPLEMENTATION OF ALL OTHER MILITARY ARTICLES OF THE AGREEMENT. IN THE DETERMINATION OF BOUNDARIES BETWEEN THE ZONES, BOTH SIDES ACKNOWLEDGE THE EXISTENCE OF ENCLAVES OF TROOPS AND CIVILIAN POPULATION BEHIND THE LINES OF EACH SIDE, WHICH MUST BE RESUPPLIED WITH FOODSTUFFS AND OTHER NECESSITIES AS AN ACT OF HUMANITARIAN CONCERN.

SECTION TWO -- ARTICLE 4

FOREIGN TROOP WITHDRAWAL

I. FOR THE PURPOSE OF THIS PROTOCOL THE DEFINITIONS OF " FOREIGN MILITARY PERSONNEL" SHALL BE THOSE IN ARTICLE ONE OF THE PROTOCOL TO THE 1962 GENEVA AGREEMENT ON LAOS.

II. ALL FOREIGN REGULAR AND IRREGULAR TROOPS.
FOREIGN PARAMILITARY FORMATIONS AND FOREIGN MILITARY
PERSONNEL SHALL BE WITHDRAWN FROM LAOS WITHIN 60 DAYS
AFTER THE FORMATION OF A PROVISIONAL GOVERNMENT OF
NATIONAL UNION.

A. THE ICC AND THE JCIA WILL CONDUCT
INVESTIGATIONS TO DETERMINE COMPLIANCE WITH THE
ABOVE DIRECTIVE, ON AN AREA BASIS WITH A FIXED
TIME SCHEDULE.

SECRET

ADP000
SECRET

PAGE 01 VIENTI 01938 03 OF 05 161449 Z

43
ACTION SS-25

INFO OCT-01 ADP-00 CCO-00 SSO-00 NSCE-00 /026 W
----- 073067
O 160938 Z MAR 73
FM AMEMBASSY VIENTIANE
TO SECSTATE WASHDC IMMEDIATE 3070

S E C R E T SECTION 3 OF 5 VIENTIANE 1938

EXDIS

C O R R E C T E D C O P Y (T E X T)

B. IF FOR ANY REASON FOREIGN TROOPS HAVE NOT
BEEN ABLE TO WITHDRAW FROM THE AREA BY THE TIME
OF THE SCHEDULED INSPECTION, THE ICC WILL BE
INFORMED OF THIS BY THE PARTY CONCERNED, TOGETHER
WITH THE REASON FOR THE DELAY AND THE EXPECTED
TIME OF DEPARTURE OF SAIG FOREIGNERS. THIS
PROVISO IS NOT TO BE INTERPRETED AS ACCEPTANCE
BY EITHER PARTY AS THE RIGHT OF FOREIGN TROOPS
TO REMAIN IN LAOS, AND ANY EXTENDED DELAY UNDER
THIS PROVISO WILL BE CONSIDERED A VIOLATION OF
THE CEASEFIRE ACCORD.

III. AREAS TO BE INSPECTED WILL CONFORM TO THE
GEOGRAPHICAL BOUNDARIES OF THE FIVE RLG MILITARY REGIONS.
THESE MILITARY REGIONS WILL BE INSPECTED ON A PHASED
SCHEDULE FROM SOUTH TO NORTH AS FOLLOWS:

MILITARY REGIONS IV -- APRIL 10 TH THROUGH
APRIL 16 TH INCLUSIVE.

MILITARY REGION III -- APRIL 19 TH THROUGH APRIL
25 TH INCLUSIVE

MILITARY REGION V -- APRIL 28 TH THROUGH MAY 4 TH
INCLUSIVE

MILITARY REGION II -- MAY 7 TH THROUGH MAY 13 TH
SECRET

SECRET

PAGE 02 VIENTI 01938 03 OF 05 161449 Z

INCLUSIVE

MILITARY REGION I -- MAY 15 TH THROUGH MAY 21 ST
INCLUSIVE.

A. SPECIFIC AREAS TO BE INSPECTED WITHIN
MILITARY REGIONS WILL BE DESIGNATED BY THE JCIA
IN CONSULTATION WITH THE ICC.

B. WITHOUT CONSULTATION WITHIN EITHER PARTY,
SPOT CHECKS, INCLUDING DIGRESSIONS FROM THE
ANNOUNCED ITINERARY, MAY BE MADE AT THE DISCRETION
OF THE ICC. JCIA PERSONNEL WILL ACCOMPANY THE ICC
ON THESE ACCASIONS.

C. FOLLOWING COMPLETION OF THE INITIAL
INSPECTIONS IN ACCORDANCE WITH THE ABOVE TIME
SCHEDULE, ICC TEAMS MAY MAKE ADDITIONAL INSPECTIONS
AT THEIR DISCRETION. THEY WILL NEED NO FURTHER
CLEARANCE FROM THE PARTY WHOSE TERRITORY THEY
PROPOSE TO REEXAMINE.

D. FAILURE TO ALLOW THE ICC TO UNDERTAKE
INSPECTIONS AS PROVIDED FOR ABOVE, WITHOUT
SUFFICIENT REASONS, WILL BE CONSIDERED A VIOLATION
OF THIS PROTOCOL. THE ICC ITSELF WILL DETERMINE
THE VALIDITY OF REASONS SET FORTH FOR DENYING THE
ICC TEAM THE RIGHT OF INSPECTION.

E. BOTH OF THE LAO PARTIES WILL HAVE THE RIGHT
TO REQUEST REINSPECTION BY THE ICC OF ANY AREA
CONTROLLED BY THE OTHER PARTY WHERE THEY HAVE
REASON TO BELIEVE THE CEASEFIRE ACCORD IS BEING
VIOLATED

IV. IN THE SUPERVISION OF TROOP WITHDRAWALS, THE
ICC WILL HAVE THE RIGHT TO OVERFLY ANY AREA CONTROLLED

BY EITHER OF THE TWO LAO PARTIES. NO CLEARANCE WILL BE REQUIRED, BUT THE ICC WILL ANNOUNCE ITS ITINERARY 24 HOURS IN ADVANCE.

V. THE PURPOSE OF INSPECTIONS TO BE CONDUCTED BY THE
SECRET

SECRET

PAGE 03 VIENTI 01938 03 OF 05 161449 Z

ICC UNDER THIS SECTION WILL BE TO ASCERTAIN WHETHER:

A. ANY FOREIGN TROOPS OR FOREIGN MILITARY ADVISORS EXCLUDABLE UNDER PARAGRAPH ONE ABOVE REMAIN IN THE AREA.

B. ANY LAO TROOPS ADVISED, TRAINED OR SUPPORTED BY FOREIGNERS ARE STILL ACTIVE.

C. THE INSEPECTORS WILL ALSO VERIFY THAT:
ALL TROOPS UNDER ARMS WITHIN THE AREAS TO BE INSPECTED WERE PART OF THE ARMED FORCES OF THE LAO PARTIES CONCERNED AT THE TIME OF THE SIGNING OF THE CEASEFIRE;

D. ALL TROOPS OF BOTH LAO PARTIES UNDER ARMS ARE LAO CITIZENS AND WERE LAO CITIZENS AT THE TIME THE 1962 GENEVA AGREEMENT WAS SIGNED.

E. ALL MILITARY BASES CONTROLLED BY FOREIGNERS HAVE BEEN LIQUIDATED.

VI. NOTHING IN THE ABOVE PROVISOS IS TO BE CONSTRUED AS PROHIBITING THE MAINTENANCE BY EITHER PARTY OF VILLAGE DEFENDERS IN REMOTE AREAS WHERE POLICE PROTECTION IS INEFFECTIVE AND BANDITRY IS COMMONPLACE. THE PARTIES WILL COOPERATE IN ORDER TO REDUCE AND ELIMINATE THESE CONDITIONS, THUS INSURING PUBLIC ORDER AND REGIONAL SECURITY.

SECTION THREE

ARTICLE 5 -- IMPLEMENTATION OF NECESSARY PROVISIONS FOR
THE RETURN OF PERSONS OF ALL NATIONALITIES
CAPTURED DURING THE WAR AND FOR RESOLVING
THE STATUS OF THOSE MISSING DURING THE WAR

I. WITHIN FIFTEEN DAYS OF SIGNATURE OF THIS PROTOCOL OR WITHIN THE FORTY- EIGHT HOURS PRECEDING ACTUAL REPLEASE OF CAPTURED PERSONS, WHICHEVER IS EARLIER, EACH SIDE WILL PROVIDE THE OTHER SIDE WITH A LIST OF ALL CAPTURED PERSONS, BOTH MILITARY AND CIVILIAN, BROKEN DOWN ACCORDING TO

SECRET

SECRET

PAGE 04 VIENTI 01938 03 OF 05 161449 Z

NATIONALITY. WITHIN THIRTY DAYS OF SIGNATURE OF THIS PROTOCOL, EACH SIDE WILL TRANSMIT TO THE OTHER SIDE A LIST OF THOSE PERSONS CAPTURED AND IMPRISONED WHO DIED WHILE IN CAPTIVITY.

II. EACH SIDE WILL INFORM THE OTHER SIDE, AT LEAST FORTY- EIGHT HOURS IN ADVANCE, OF A PLANNED RELEASE OF PERSONS MENTIONED IN ARTICLE 5 OF THE AGREEMENT. AT THE TIME OF NOTIFICATION, THE NAMES OF THOSE TO BE RELEASED AND THEIR NATIONALITIES WILL BE MADE KNOWN TO THE OTHER SIDE.

III. THE EXCHANGE OF PRISONERS HELD BY THE PARTIES SHALL BE COMPLETED WITHIN SIXTY DAYS OF THE FORMATION OF A PROVISIONAL GOVERNMENT OF NATIONAL UNION AT A RATE CORRESPONDING TO THE WITHDRAWAL OF FOREIGN TROOPS FROM LAOS. THE PRISONERS SHALL BE RELEASED AT PLACES CONVENIENT TO THE PARTIES AND AGREED UPON THE JCIA, AT INTERVALS PROPORTIONATE TO THE RATE OF WITHDRAWAL OF FOREIGN TROOPS PRESCRIBED IN SECTION TWO OF THIS PROTOCOL.

IV. EACH SIDE MAY REQUEST THAT INTERNATIONAL ORGANIZATIONS PROVIDE WHATEVER ASSISTANCE MAY BE DESIRED TO CARRY OUT THE RETURN OF THOSE PERSONS DETAINED.

V. WITHIN THIRTY DAYS OF THE COMPLETION OF PRISONER EXCHANGE, EACH SIDE WILL TRANSMIT TO THE OTHER SIDE ALL INFORMATION CURRENTLY AVAILABLE CONCERNING THE FOLLOWING:

A. CIRCUMSTANCES OF DEATH AND LOCATION OF GRAVES OF PERSONS OF ALL NATIONALITIES KILLED DURING THE WAR IN ITS OWN ZONE, WHETHER RESULTING FROM GROUND OR AIR ACTIVITIES.

B. LOCATION OF CRASH SITES OF AIRCRAFT OF ALL NATIONALITIES.

SECRET

ADP000
SECRET

PAGE 01 VIENTI 01938 04 OF 05 161552 Z

43

ACTION SS-25

INFO OCT-01 ADP-00 SSO-00 CCO-00 NSCE-00 /026 W

----- 073608

O 160938 Z MAR 73

FM AMEMBASSY VIENTIANE

TO SECSTATE WASHDC IMMEDIATE 3071

S E C R E T SECTION 4 OF 5 VIENTIANE 1938

EXDIS

C O R R E C T E D C O P Y (T E X T)

VI. IN A HUMANITARIAN SPIRIT, IN ORDER TO LOCATE
THE GRAVES OR REMAINS OF ALL PERSONS KILLED IN THE WAR,
BOTH SIDES AGREE THAT:

A. WITHIN THIRTY DAYS OF THE COMPLETION OF
THE PRISONER EXCHANGE, THE PARTIES WILL ESTABLISH
A SUBCOMMISSION COMPOSED OF AN EQUAL NUMBER OF
MEMBERS FROM EACH SIDE WHOSE FUNCTION WILL BE TO
EXCHANGE INFORMATION AND TO ESTABLISH AND COORDINATE
PROCEDURES FOR RESOLVING THE STATUS OF PERSONS
MISSING IN ACTION DURING THE WAR.

B. IN PURSUIT OF ITS TASK, THE SUBCOMMISSION
MAY CALL ON THE COOPERATION AND SUPPORT OF FOREIGN
GOVERNMENTS OR ON INTERNATIONAL ORGANIZATIONS.

C. SUBCOMMISSION WILL FUNCTION UNTIL BOTH
PARTIES ARE CONVINCED THAT ALL EFFORTS HAVE BEEN
DEPLOYED TO SHED LIGHT ON THE FATE OF ALL PERSONS
MISSING DURING THE WAR. IT CAN ONLY BE DISSOLVED
OR ALTERED BY UNANIMOUS APPROVAL OF THE TWO
PARTIES.

SECTION FOUR

A. THE JOINT COMMISSION TO IMPLEMENT THE AGREEMENT

SECRET

SECRET

PAGE 02 VIENTI 01938 04 OF 05 161552 Z

I. THE IMPLEMENTATION OF THE AGREEMENT IS THE RESPONSIBILITY OF THE TWO PARTIES.

II. BY THE DATE OF SIGNATURE OF THIS PROTOCOL, EACH

PARTY SHALL HAVE DESIGNATED REPRESENTATIVES TO THE JOINT COMMISSION TO IMPLEMENT THE AGREEMENT (JCIA). THIS COMMISSION WILL BEGIN FUNCTIONING ON THE DATE OF SIGNATURE OF THIS PROTOCOL. IT SHALL BE COMPOSED OF EQUAL NUMBERS OF MILITARY AND CIVILIAN PERSONS FROM BOTH SIDES AND DECISIONS WILL BE TAKEN ACCORDING TO THE RULE OF UNANIMITY.

III. IN THE MILITARY FIELD, THE JCIA WILL HAVE THE TASK OF ENSURING JOINT ACTION BY THE PARTIES IN IMPLEMENTING THE MILITARY ARTICLES (2- 5) OF THE AGREEMENT. IT SHALL SERVE AS AN INTERMEDIARY BETWEEN THE PARTIES, BY DRAWING UP PLANS AND FIXING THE MODALITIES TO CARRY THEM OUT, COORDINATING, FOLLOWING, AND VERIFYING THE IMPLEMENTATION OF THE MILITARY ARTICLES OF THE AGREEMENT. IT WILL NEGOTIATE AND APPLY ITSELF TO RESOLVE ALL MATTERS CONCERNING THE IMPLEMENTATION OF THESE PROVISIONS.

IV. IN THE MILITARY FIELD, THE CONCRETE TASKS OF THE JCIA ARE:

A. TO COORDINATE, FOLLOW AND VERIFY THE IMPLEMENTATION OF THE ARTICLES OF THE AGREEMENT CONCERNED WITH MILITARY AFFAIRS AND PROVISIONS OF THE PROTOCOL.

B. TO DETERMINE VIOLATIONS, TO DEAL WITH CASES OF VIOLATION, AND TO RESOLVE CONFLICTS AND CONTENTION BETWEEN THE PARTIES.

C. TO DISPATCH WITHOUT DELAY ONE OR MORE JOINT TEAMS, IN COMPANY WITH THE ICC, TO ANY PART OF LAOS TO INVESTIGATE ALLEGED VIOLATIONS.

D. TO EMPLACE FIXED TEAMS IN ANY PART OF LAOS BY COMMON AGREEMENT OF THE PARTIES, WITH ASSISTANCE FROM THE ICC.

E. TO ENGAGE IN OBSERVATION AT PLACES WHERE THIS IS NECESSARY.

SECRET

SECRET

PAGE 03 VIENTI 01938 04 OF 05 161552 Z

F. TO DETERMINE THE BOUNDARIES OF THE ZONES AND RESUPPLY CORRIDORS, BASED ON THE INFORMATION AND MAPS MENTIONED EARLIER IN THIS PROTOCOL.

G. TO PERFORM SUCH OTHER TASKS AS THE PARTIES MAY UNANIMOUSLY DETERMINE.

H. TO PROVIDE SUPPORT AND ASSISTANCE TO THE

INTERNATIONAL CONTROL COMMISSION IN THE EXERCISE
OF ITS RESPONSIBILITIES.

V. THE JCIA MAY ESTABLISH SUCH JOINT SUBCOMMISSIONS,
FIXED AND MIBILE TEAMS, AND OTHER BODIES AS THE PARTIES
MAY DETERMINE.

VI. THE JCIA SHALL ASSIGN FIXED TEAMS TO OPERATE AT
THE FOLLOWING LOCATIONS:

XIENG LOM (PB 9171)

LUANG PRABNAG (TH 0203)

SAYABOURY (QB 8630)

PAK LAY (QA 5617)

PAK NGA (TH 3253)

NAM BAC (TH 3583)

MUONG KHOUA (TJ 4133)

MUONG NGOI (TH 5990)

ROUTE 19 (TH 8447)

ROUTE 44 (UJ 0024)

ROUTE 671 (VJ 1116)

LONG TIENG (TG 8214)

SAM NEUA (VH 0358)

KHANG KHAI (UG 1655)

NONG PET (UG 3163)

BAN THONG (TG 9447)

BAN NGOUA (UG 0438)

BAN BAN (UG 5072)

JUNCTION ROUTES 6 AND 61 (UH 7028)

PA HANG (VH 4791)

BAN HAT LAN (VH 5973)

SECRET

SECRET

PAGE 04 VIENTI 01938 04 OF 05 161552 Z

BAN TAO (VH 7500)

5 KM SE OF BAN HGAM (VH 8929)

BAN DENDIN (VG 6575)

BARTHOLEMY PASS (VG 0453)

THA VIENG (UG 3204)

VIENTIANE (TE 4388)

CHIANAIMO (TE 4981)

SALA PHOU KHOUN (TG 3149)

BAN THA SI (UF 7684)

THA DEUA (TE 5570)

PAKSANE (UF 5934)

SAVANNAKHET (VD 7530)

MAHAXAI (WE 2225)

MOUNG PHALANE (WD 6040)

BAN SOPPENG (WE 7618)
JUNCTION ROUTES 911 AND 912 (XD 0387)
TCHEPONE (XD 2442)
MUONG PHINE (XD 0927)
NAPE PASS (WF 1833)
MU GIA (WB 8253)
BAN KARAI PASS (XE 2610)
LAO BAO PASS (XD 7138)
SENO (WD 0143)
THAKHEK (VE 8022)
PAKSE (WB 8473)
BAN TOUMLANE (XC 3268)
SARAVANE (XC 5238)
PAKSONG (XB 3379)
LAO NGAM (XC 3510)
ATTOPEU (XB 9838)
CHAVAN (YB 2298)
BAN SALOU (SC 8950)
JUNCTION OF ROUTES 96 AND 110 (YB 4732)
JUNCTION OF ROUTES 16 AND 165 (XB 8888)
ROUTE 110 (XB 6515)
BAN CHAY (XB 5668)
ROUTE 131 (XA 2855)
ROUTE 13 (XA 2038)
ROUTE 14 (WA 6363)
ROUTE 14 (WB 5173)

SECRET

ADP000

SECRET

PAGE 01 VIENTI 01938 05 OF 05 161338 Z

43

ACTION SS-25

INFO OCT-01 ADP-00 CCO-00 SSO-00 NSCE-00 /026 W

----- 072328

O 160938 Z MAR 73

FM AMEMBASSY VIENTIANE

TO SECSTATE WASHDC IMMEDIATE 3072

S E C R E T SECTION 5 OF 5 VIENTIANE 1938

EXDIS

VII. FROM THE TIME THIS PROTOCOL COMES INTO FORCE,
THE JCIA MAY FORM WHATEVER SUBSIDIARY BODIES ARE DEEMED
NECESSARY TO ENSURE JOINT ACTION BY THE PARTIES IN
IMPLEMENTING ARTICLE 5 OF THE AGREEMENT. THE JCIA AND

ITS SUBSIDIARY BODIES WILL FUNCTION IN ACCORDANCE WITH PROCEDURES SET FORTH IN SECTION THREE OF THIS PROTOCOL.

VIII. IN APPLICATION OF THE PRINCIPLE OF UNANIMITY, THE JCIA AND ITS SUB- BODIES SHALL HAVE NO CHAIRMEN. MEETINGS SHALL BE CONVENED AT THE REQUEST OF ANY OF ITS MEMBERS. THE JCIA AND ITS VARIOUS SUB- BODIES SHALL ADOPT, IN CONSULTATION WITH THE ICC, WORKING PROCEDURES APPROPRIATE FOR THE EFFECTIVE DISCHARGE OF THEIR FUNCTIONS AND RESPONSIBILITIES.

IX. THE JCIA AND ITS SUBORDINATE BODIES SHALL CLOSELY COOPERATE WITH THE INTERNATIONAL CONTROL COMMISSION. THE TWO COMMISSION (JCIA AND ICC) WILL ASSIST EACH OTHER IN CARRYING OUT THE PROVISIONS OF THE 1962 PROTOCOL.

X. AT ALL LEVELS, BOTH PARTIES SHALL PROVIDE FULLY PROTECTION, NECESSARY ASSISTANCE AND COOPERATION TO THE JCIA AND ITS SUB- BODIES IN THE DISCHARGE OF THEIR TASKS.

XI. THE JCIA AND ITS PERSONNEL, WHILE CARRYING OUT THEIR TASKS, SHALL ENJOY SUCH PRIVILEGES AND IMMUNITIES AS MAY BE ACCORDED BY THE TWO PARTIES.

SECRET

SECRET

PAGE 02 VIENTI 01938 05 OF 05 161338 Z

XII. THE DELEGATION OF EACH PARTY TO THE JCIA SHALL HAVE IT SOWN OFFICES, COMMUNICATIONS, LOGISTICS, AND TRANSPORTATION MEANS, INCLUDING AIRCRAFT WHEN NECESSARY.

XIII. THE PARTIES SHALL ENDEAVOR TO PROVIDE TO THE JCIA AND ITS SUBJ- BODIES THE MEANS OF OPERATION, INCLUDING EQUIPMENT FOR COMMUNICATION, SUPPLY AND TRANSPORT, INCLUDING AIRCRAFT WHEN NECESSARY. THE JCIA MAY PURCHASE OR OBTAIN FROM ANY SOURCE NECESSARY FACILITIES, EQUIPMENT AND SERVICES NOT SUPPLIED BY THE PARTIES.

XIV. THE COMMON EXPENSES OF THE JCIA SHALL BE BORNE EQUALLY BY THE TWO PARTIES.

B. THE INTERNATIONAL CONTROL COMMISSION

I. THE SIGNATORY PARTIES OF THIS PROTOCOL REQUEST THE INTERNATIONAL CONTROL COMMISSION TO CONTINUE TO FUNCTION IN LAOS IN ACCORDANCE WITH THE PROCEDURES SPECIFIED IN THE PROTOCOL OF THE 1962 GENEVA AGREEMENT ON LAOS, AND COOPERATION WITH THE JCIA TO ASSIST IN THE IMPLEMENTATION OF THE AGREEMENT AND THIS PROTOCOL.

THIS SIGNATORY PARTIES REQUEST THAT THE FOLLOWING MODALITIES BE ADOPTED BY THE ICC FOR THE MORE EFFECTIVE FULFILLMENT OF THE ICC'S DUTIES UNDER THE 1962 GENEVA PROTOCOL AS WELL AS UNDER THE PRESENT PROTOCOL.

II. TO FULFILL ITS RESPONSIBILITIES MORE EFFECTIVELY, THE ICC CAN ESTABLISH SUCH SUBSIDIARY BODIES, COMMITTEES, AND FIXED AND MOBILE SURVEILLANCE AND REPORTING TEAMS AS MAY BE NECESSARY. THE COMMISSION MAY DISSOLVE, ALTER, OR REDEPLOY ANY OF ITS SUBSIDIARY BODIES.

III. THE ICC, ITS SUBSIDIARY BODIES, AND ANY ONE OR MORE OF ITS DELEGATIONS, ARE REQUESTED TO MAKE THEMSELVES AVAILABLE FOR MEDIATION AT THE REQUEST OF ANY OF THE PARTIES. THE SERVICES OF THE ICC WILL ALSO BE AVAILABLE TO THE PARTIES IN THE IMPLEMENTATION OF ARTICLE FIVE OF THE AGREEMENT, PROVIDING FOR EXCHANGE OF PRISONERS AND ACCOUNTING FOR THOSE MISSING DURING THE WAR.

IV. THE COMMISSION IS REQUESTED, IN CARRYING OUT
SECRET

SECRET

PAGE 03 VIENTI 01938 05 OF 05 161338 Z

ITS RESPONSIBILITIES, TO ENGAGE IN OBSERVATION OF THE IMPLEMENTATION OF THE AGREEMENT BY THE JCIA AND TO CONDUCT INVESTIGATIONS BY:

A. TEAMS LOCATED AT THE SAME SITES WHERE THE JCIA MAY EMPLACE JOINT TEAMS, THE LIST OF WHICH IS FOUND EARLIER IN THE PROTOCOL.

B. SUCH OTHER TEAMS AS THE COMMISSION MAY EVENTUALLY CONSIDER USEFUL TO ESTABLISH.

V. IF DESIRED BY THE ICC, TEAMS REFERRED TO IN THE PRECEDING ARTICLE CAN BE COMPOSED OF A FIXED ELEMENT AND A MOBILE ELEMENT IN ORDER TO CARRY OUT THE TEAMS' RESPONSIBILITIES.

VI. TO FACILITATE THE TASK OF THE ICC, THE JCIA SHALL TAKE ALL NECESSARY MEASURES TO ENSURE CLOSE AND RECIPROCAL LIAISON BETWEEN THE TWO BODIES AT ALL LEVELS.

VII. THE JCIA SHALL INFORM THE ICC, AS SOON AS POSSIBLE, OF ALL ITS PROPOSED ACTIVITIES RELATING TO THE IMPLEMENTATION OF THE AGREEMENT, IN KEEPING WITH TIME SCHEDULES PRESCRIBED IN EARLIER SECTIONS OF THIS PROTOCOL.

VIII. THE ICC AND/ OR ITS TEAMS ARE REQUESTED TO

CONDUCT OBSERVATIONS AND/ OR INVESTIGATIONS PROMPTLY AT
THE REQUEST OF THE JCIA, INsofar AS THEY ARE IN ACCORDANCE
WITH THE PROVISIONS OF THE 1962 PROTOCOL. THE INABILITY
OF THE JCIA TO PARTICIPATE IN OBSERVATIONS AND/ OR
INVESTIGATIONS SHALL NOT PREVENT THEM FROM TAKING PLACE.
SUCJ OBSERVATIONS AND/ OR INVESTIGATIONS SHALL BE CON-
DUCTED NOT MORE THAN 12 HOURS AFTER RECEIPT BY THE ICC
AND/ O
E E E E E E E

*** Current Handling Restrictions *** EXDIS

*** Current Classification *** SECRET

Message Attributes

Automatic Decaptioning: Z
Capture Date: 01 JAN 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts:
Control Number: n/a
Copy: SINGLE
Draft Date: 16 MAR 1973
Decaption Date: 28 MAY 2004
Decaption Note: 25 YEAR REVIEW
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Authority: martinjw
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 28 MAY 2004
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1973VIENTI01938
Document Source: CORE
Document Unique ID: 00
Drafter: n/a
Enclosure: n/a
Executive Order: GS
Errors: CORE6
Film Number: n/a
From: VIENTIANE
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1973/newtext/t19730331/aaaahxyc.tel
Line Count: 878
Locator: TEXT ON-LINE
Office: ACTION SS
Original Classification: SECRET
Original Handling Restrictions: EXDIS
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 16
Previous Channel Indicators:
Previous Classification: SECRET
Previous Handling Restrictions: EXDIS
Reference: n/a
Review Action: RELEASED, APPROVED
Review Authority: martinjw
Review Comment: n/a
Review Content Flags: ANOMALY
Review Date: 03 DEC 2001
Review Event:
Review Exemptions: n/a
Review History: RELEASED <03-Dec-2001 by kelleyw0>; APPROVED <22 FEB 2002 by martinjw>
Review Markings:

Declassified/Released
US Department of State
EO Systematic Review
30 JUN 2005

Review Media Identifier:
Review Referrals: n/a
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
Secure: OPEN
Status: <DBA CORRECTED> srp 971211; srp 971211
Subject: PACE OF LAO NEGOTIATIONS: EMBASSY PROVIDES DRAFT MILITARY PROTOCOL TO RLG NEGOTIATOR
TAGS: MOPS, PFOR, PINT, IN
To: SECSTATE WASHDC
SS
Type: TE
Markings: Declassified/Released US Department of State EO Systematic Review 30 JUN 2005